



Issuance Date: August 26, 2008

Effective Date: October 1, 2008

Expiration Date: June 30, 2013

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA 0039438**

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington

and

The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1342 et seq.

**JT Marine, Inc.**  
**P.O. Box 35**  
**Battle Ground, WA 98604**

<u>Facility Location:</u> 21718 NE Rodda Rd Battle Ground, WA 98604	<u>Receiving Water:</u> Columbia River
<u>Water Body I.D. No.:</u> 1240014462974	<u>Discharge Location:</u> Latitude: 45° 36' 44" N Longitude: 122° 38' 39" W
<u>Industry Type:</u> Ship and Boat Repairing	

is authorized to discharge in accordance with the special and general conditions which follow.

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Garin Schrieve, P.E.  
Southwest Region Manager  
Water Quality Section  
Washington State Department of Ecology

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## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	November 15, 2008
S3.E	Noncompliance Notification	As necessary	
S4.B	Reporting Bypasses	As necessary	
S5.	Application for Permit Renewal	1/permit cycle	December 31, 2011
S7.	Spill Plan	1/permit cycle, updates submitted as necessary	Within six months after the effective date of this permit.
S9.A	Sediment Sampling and Analysis Plan	1/permit cycle	30 days after permit effective date.
S9.B	Sediment Data Report	1/permit cycle	No later than 180 days after completion of sampling.
S10.A	Stormwater Pollution Prevention Plan Modifications	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G8	Notice of Permit Transfer	As necessary	
G21	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

In this permit the word “must” denotes an action that is mandatory and is equivalent to the word “shall” used in previous permits.

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of that identified and authorized by this permit is a violation of the terms and conditions of this permit.

Notwithstanding the effluent limits established in this permit, discharges shall not cause or contribute to a violation of surface water quality standards (chapter 173-201A Washington Administrative Code [WAC]) or sediment management standards (chapter 173-204 WAC) of the state of Washington; and 40 Code of Federal Regulations (CFR) 131.

#### A. Process Wastewater Discharge Prohibitions

The Permittee must not directly discharge the following wastewaters/wastes to waters of the state:

- Hydroblast or pressure wash wastewater.
- Bilge water, ballast water, hydraulic fluid, and oily wastes.
- Ballast water while a vessel is in drydock.
- Gray water (including discharges from any ship’s galley or shower while at dockside).
- Solvents.
- Maintenance shop waste waters including but not limited to the fabrication shop, pipe shop, and warehouses.
- Ship sanitary wastes.
- Industrial storm water or process water from piers and docks.

#### B. Uncontaminated (non-industrial) Stormwater

The Permittee may directly discharge stormwater from the deck to the Columbia River when the drydock is cleaned and idle after cleaning and submergence to offload a vessel with no subsequent work. This discharge may only occur after the Permittee fully implements best management practices (BMPs) for cleaning the drydock prior to submergence for vessel on-loading or off-loading, and only when the drydock is empty and idle. This also applies to the stationary dock.

C. Drydock Floodwater Discharges

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge drydock floodwater at the permitted location subject to complying with the following limitations:

<b>EFFLUENT LIMITATIONS: Drydock</b>	
<b>Parameter</b>	<b>Maximum Daily<sup>1</sup></b>
Oil sheen	No visible sheen
Oil and grease (O&G)	5 milligrams per liter (mg/L)
Turbidity	5 nephelometric turbidity units (NTU) above background <sup>2</sup>
<sup>1</sup> The maximum daily effluent limitation is defined as the highest allowable daily discharge.	
<sup>2</sup> If background turbidity is greater than 50 NTU, the turbidity of the drydock floodwater shall not exceed a 10 percent increase over background.	

D. Mixing Zone Descriptions

A mixing zone is not authorized by this permit.

E. Municipal Sewer System Discharges

Discharge to the municipal sewer system is authorized under a separate waste discharge permit issued by the city of Vancouver.

## S2. MONITORING REQUIREMENTS

The Permittee must monitor in accordance with the following schedule:

A. Monitoring Schedule

<b>Category</b>	<b>Parameter</b>	<b>Units</b>	<b>Sample Point</b>	<b>Minimum Sampling Frequency</b>	<b>Sample Type</b>
Drydock floodwater	Oil Sheen	N/A	Drydock <sup>3</sup>	Each launch	Visual observation and logging <sup>4</sup>
Drydock floodwater	Oil and grease (O&G)	mg/L	Drydock	Monthly	Grab
Drydock floodwater	Turbidity	mg/L	Drydock	Monthly	Grab
Drydock floodwater	Copper <sup>5</sup> (total recoverable)	mg/L	Drydock	Monthly	Grab

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Drydock floodwater	Lead <sup>6</sup> (total recoverable)	mg/L	Drydock	Monthly	Grab
Drydock floodwater	Zinc <sup>7</sup> (total recoverable)	mg/L	Drydock	Monthly	Grab
Columbia River	Turbidity	mg/L	Columbia River <sup>8</sup>	Monthly	Grab
Columbia River	Copper <sup>9</sup> (total recoverable)	mg/L	Columbia River	Monthly	Grab
Columbia River	Lead <sup>10</sup> total recoverable)	mg/L	Columbia River	Monthly	Grab
Columbia River	Zinc <sup>11</sup> total recoverable)	mg/L	Columbia River	Monthly	Grab
<sup>3</sup> . Samples must be taken from a midsection of the drydock and one (1) foot away from the wingwall immediately after the drydock deck is submerged and the water is no deeper than one (1) foot above the drydock deck.					
<sup>4</sup> . Photographs must be taken and maintained in a logbook to demonstrate the condition of the drydock floor prior to launching a vessel and during sample collection.					
<sup>5</sup> . The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry and method number 220.2 from 40 CFR Part 136. The quantitation level (QL) for copper is 5 µg/L (5 x MDL).					
<sup>6</sup> . The method detection level (MDL) for lead is 1 µg/L using graphite furnace atomic absorption spectrometry and method number 239.2 from 40 CFR Part 136. The quantitation level (QL) for lead is 5 µg/L (5 x MDL).					
<sup>7</sup> . The method detection level (MDL) for zinc is 2 µg/L using inductively coupled plasma and method number 200.7 from 40 CFR Part 136. The quantitation level (QL) for zinc is 10 µg/L (5 x MDL).					
<sup>8</sup> . Samples must be taken upstream of the drydock within one hour prior to flooding the drydock for launching, or at another time and location agreed to by Ecology.					
<sup>9</sup> . The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry and method number 220.2 from 40 CFR Part 136. The quantitation level (QL) for copper is 5 µg/L (5 x MDL).					
<sup>10</sup> . The method detection level (MDL) for lead is 1 µg/L using graphite furnace atomic absorption spectrometry and method number 239.2 from 40 CFR Part 136. The quantitation level (QL) for lead is 5 µg/L (5 x MDL).					
<sup>11</sup> . The method detection level (MDL) for zinc is 2 µg/L using inductively coupled plasma and method number 200.7 from 40 CFR Part 136. The quantitation level (QL) for zinc is 10 µg/L (5 x MDL).					

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

C. Flow Measurement

The Permittee must select and use appropriate flow measurement devices and methods consistent with accepted scientific practices. The Permittee must install, calibrate, and maintain the flow devices. This work is necessary to ensure that the accuracy of the measurements are consistent with the accepted industry standard and the manufacturers recommendation for that type of device. The Permittee must maintain calibration records for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department of Ecology (Ecology) must be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH must be accredited if the laboratory must otherwise be registered or accredited. Ecology exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee must monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results must be submitted monthly. Monitoring data obtained during each monitoring period must be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology. DMR forms must be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) must be sent to:

Industrial Unit Permit Coordinator  
Department of Ecology  
Southwest Regional Office  
P.O. Box 47775  
Olympia, WA 98504-7775

All laboratory reports providing data for organic and metal parameters must include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information:

- (1) the date, exact place, method, and time of sampling or measurement;
- (2) the individual who performed the sampling or measurement;
- (3) the dates the analyses were performed;
- (4) the individual who performed the analyses;
- (5) the analytical techniques or methods used; and
- (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring must be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Notice of Noncompliance Reporting

The Permittee must take the following action upon violation of any permit condition: Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The results of any repeat sampling must be submitted to Ecology within 30 days of sampling.

1. Twenty four hour Noncompliance Notification

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 360-407-6300, within 24-hours from the time the Permittee becomes aware of any of the following circumstances:

- a. any noncompliance that may endanger health or the environment, unless previously reported under subpart 1. above,
- b. any unanticipated **bypass** that exceeds any effluent limitation in the permit (See Part S4.B., "Bypass Procedures");
- c. any **upset** that exceeds any effluent limitation in the permit (See G.15, "Upset");
- d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in Section S1.A. of this permit; or
- e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

2. Report Within Five Days

The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subparts 1 or 2, above. The written submission must contain:

- a. a description of the noncompliance and its cause;
- b. the period of noncompliance, including exact dates and times;
- c. the estimated time noncompliance is expected to continue if it has not been corrected;
- d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
- e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

3. Waiver of Written Reports

Ecology may waive the written report required in subpart 2 above on a case-by-case basis upon request if a timely oral report has been received.

4. Report Submittal

Reports must be submitted to the address in S3. ("REPORTING AND RECORDKEEPING REQUIREMENTS").

F. Other Noncompliance Reporting.

The Permittee must report all instances of noncompliance, not required to be reported immediately or within 24-hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E.3. above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

The spill of oil or hazardous materials **must** be reported in accordance with the instructions obtained at the following website:

<http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm>

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the permitted facility and be made available upon request to Ecology inspectors.

**S4. OPERATION AND MAINTENANCE**

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would

cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

- b. A sever storm event of intensity greater than 100-year 24-hour (approximately 4 3/8 inches in 24-hours) over-whelms the stormwater collection and treatment system and there are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. Ecology is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee must notify Ecology at least 30 days before the planned date of bypass. The notice must contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

Ecology will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production,

maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.

B. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**S5. APPLICATION FOR PERMIT RENEWAL**

The Permittee must submit an application for renewal of this permit by **December 31, 2011**.

**S6. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

**S7. SPILL PLAN**

Within six months after the effective date of the permit, the Permittee must submit to Ecology a spill control plan for the prevention, containment, and control of spills or unplanned discharges of: (1) oil and petroleum products, (2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or (3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee must review and update the Spill Plan, as needed, at least annually. Changes to the plan must be sent to Ecology. The plan and any supplements must be followed throughout the term of the permit.

The updated spill control plan must include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

## **S8. BEST MANAGEMENT PRACTICES**

### **A. Control of Large Solid Materials**

1. Prior to flooding, the Permittee must remove floatable and low density waste, such as wood, plastic, and miscellaneous trash, such as paper, insulation, and packaging, from the drydock floors.
2. The area surrounding the drydock shall be contained by deploying booms before the drydock is submerged, any floatable and low density waste shall be captured and disposed of properly.

### **B. Control and Cleanup of Paint Dust and Abrasive Blasting Debris**

The Permittee must:

1. Confine dust and overspray to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules. Feasible methods of control include conducting the work in a sandblast/spray paint shed or installing plastic barriers around the vessel.
2. Secure and arrange the plastic barriers hung from the vessel or temporary structures around the vessel to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities.
3. Weight or fasten the bottom edge of tarpaulins and plastic sheeting so they remain in place during windy conditions.
4. Consider other feasible innovative procedures, as appropriate, to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, for example, sodium bicarbonate, or overall waste minimization and recycling, for example, the use of vacuum return sandblasting heads or steel shot blast technology.
5. Do not abrasive blast or spray paint while vessels are docked pier-side, such that material is discharged to the receiving water.

6. Clean up spent paint, paint chips, protective coating materials, and abrasive grit as part of the repair or production activities, to the extent maximally feasible, to prevent their entry into state waters.
7. Set vessels on the drydock ways to maximize accessibility to the floor of the drydock beneath the vessel for collection of spent abrasive.
8. Use either manual or mechanical methods to clean the drydock of spent sandblast grit and debris prior to launching a vessel.
9. Do not flood or sink drydocks with standing piles of spent abrasive on the drydock floor.
10. Take photographs and maintain them in a logbook to demonstrate the condition of the drydock floor prior to launching every vessel. Documentation accompanying the photographs must include the name of the vessel, the drydock number, the date the vessel was launched, the date the photograph was taken, and the name of the photographer. The Permittee may use a videotape that documents the same information in place of a photograph collection.
11. Clean the yard on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water.
12. Store collected sandblasting debris under cover in a designated area with the spent abrasive grit.
13. Adopt innovations and procedures to improve the effectiveness of cleanup operations where they are feasible, appropriate and the Permittee can demonstrate they prevent the discharge of solids to water.

C. In-Water Vessel Maintenance - Surface Preparation BMPs

The Permittee must not clean any portion of a vessel's hull below the waterline or employ conventional abrasive blasting while the vessel is afloat.

The Permittee may conduct the following types of surface preparation activities on a vessel's hull above the waterline at a permitted shipyard facility provided that containment and collection BMP measures effectively prevent dust, dirt, debris, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the state:

1. Mechanical hand preparation, such as scraping or wire brushing.
2. Conventional mechanical grinding or use of other powered mechanical abrading tools.

Ecology may allow the Permittee to conduct innovative abrasive blasting systems or ultrahigh water pressure systems for surface preparation on a vessel's hull while it is in the water provided that the Permittee demonstrates beforehand to Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

#### In-Water Vessel Maintenance – Paint and Coating Application BMPs

The Permittee must not spray-paint or spray-coating applications to a vessel's hull while that vessel is in the water. The Permittee may conduct the following methods of paint and coating applications to a vessel's hull while in the water at an NPDES-permitted shipyard, provided that all containment, collection, and spill prevention BMPs are in place before it makes any applications.

1. Application by roller.
2. Application by brush.

Ecology may allow the Permittee to conduct innovative spray-paint or spray-coating application methods on a vessel's hull while it is in the water provided that it demonstrates beforehand to Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

#### BMPs for Floats Used for In-Water Vessel Maintenance

Floats are defined as free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull. The Permittee must:

1. At all times maintain floats at a minimum of 6 inches of freeboard at the floats' lowest point during all phases of maintenance operations.
2. Maintain this minimum 6 inches freeboard requirement with all scaffolding configurations and number of persons onboard the float.
3. Take all necessary precautions while onboard the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.
4. Provide any container greater than one gallon holding paint, marine coating, or any other liquid product for painting or surface preparation with secondary containment when used onboard a float.
5. Provide all roller pans used on a float with secondary spill containment equal to the entire volume of the container plus 10 percent of the volume of that same container.

#### Documentation Requirements for In-Water Vessel Maintenance BMPs

The Permittee must comply with documentation requirements for any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving 1/2 gallon or more of paint or marine coating.

Documentation requirements will consist, at a minimum, of one or more representative photographs of all in-water vessel maintenance BMPs which the Permittee implements for surface preparation operations and all painting and coating operations. The Permittee must date all such photographs and maintain them in a logbook, with all necessary descriptive narrative of the in-water vessel maintenance BMPs. The Permittee must

make these records available to an Ecology inspector upon request and must retain them on-site for at least three years.

D. Oil, Grease, Paint, and Fuel Spills Prevention and Containment

The Permittee must not discharge oil, other hazardous material, or paint to state waters, except as specifically authorized by this permit. The Permittee must:

1. Prevent oil, grease, fuel, or paint spills from reaching drainage systems or surface waters.
2. Promptly cleanup after it detects an oil, grease, fuel, or paint spill.
3. Conveniently store oil containment booms and absorbents so they can be deployed immediately in the event of a spill.
4. Train all yard personnel that may participate in cleanup of spills in the use and deployment of cleanup equipment.

In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Permittee must immediately notify Ecology's Southwest Regional Office Spill Response Section and the United States Coast Guard. The Permittee must not use emulsifiers or dispersants in or upon the waters of the state without prior approval from Ecology. The Permittee must:

1. Immediately commence and complete cleanup efforts as soon as possible, taking precedence over normal work.
2. Properly dispose of spilled material and used cleanup material.
3. Follow an approved spill control plan or according to specific instructions of an on-scene coordinator to cleanup oil or hazardous material.
4. Use drip pans or other protective devices for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums, or barrels.
5. Provide oils and fuel storage tanks with secondary containment.

E. Paint and Solvent Use and Containment

The Permittee must:

1. Only mix paints and solvents in locations and under conditions such that no spill shall enter state waters.
2. Use drip pans or other protective devices for all paint mixing and solvent transfer operations, unless it conducts the mixing operation in covered and controlled areas away from storm drains, surface waters, shorelines, and piers.

3. Use drip pans, drop cloths, or tarpaulins wherever it mixes paints and solvents on wood docks.
4. Not mix paints and solvents on floats.
5. Treat paint and solvent spills as oil spills and prevent the spill from reaching storm drains and subsequent discharge into the water.

F. Contact Between Water and Debris

The Permittee must:

1. Direct shipboard cooling and noncontact cooling water to minimize contact with spent abrasives, paint chips, and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams.
2. Incorporate appropriate methods to prevent accumulation of debris in drainage systems and promptly remove debris to prevent its discharge with stormwater.

G. Maintenance of Hoses, Soil Chutes, and Piping

The Permittee must:

1. Immediately replace or repair leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater.
2. Tightly connect soil chute and hose connections to vessels and to receiving lines or containers and maintain them as leak free as practicable.

H. Chemical Storage

The Permittee must store solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions, and waste materials, including used batteries, in a manner which will prevent the inadvertent entry of these materials into waters of the state, including ground water. Storage methods must prevent spills due to overfilling, tipping, or rupture. In addition, the Permittee must use the following practices:

1. Store all liquid products on durable impervious surfaces and within bermed containment capable of containing 110 percent of the largest single container in the storage area.
2. Store waste liquids under cover, such as tarpaulins or roofed structures.
3. Clearly designate all waste storage areas for waste oil or hazardous waste, and keep these areas segregated from new product storage.
4. Segregate and secure incompatible or reactive materials stored in separate containment areas to prevent inadvertent mixing and reaction of spilled chemicals.

5. Transport off-site for disposal concentrated waste or spilled chemicals at a facility approved by Ecology or the appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S6. These materials must not be discharged to any sewer or state waters.

I. Recycling of Spilled Chemicals and Rinse Water

The Permittee must:

1. Recycle any intercepted chemical spill back to the appropriate chemical solution tank or clean it up and dispose of it properly.
2. Handle, recycle or dispose of spilled material to prevent its discharge into state waters.

J. Education of Employees, Contractors, and Customers

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee must develop a program for training its employees, and all contractors who work at the facility, on BMPs, and the environmental concerns related to this permit. There are a variety of ways to accomplish this, and the Permittee should determine the method that works best for the company. For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

**S9. SEDIMENT MONITORING**

A. Sediment Sampling and Analysis Plan

The Permittee must submit to Ecology for review and approval a Sediment Sampling and Analysis Plan for baseline sediment monitoring no later than 30 days after the permit effective date. The purpose of the plan is to characterize sediment quality in the vicinity of the Permittee's discharge location prior to establishing the new operation. The Permittee must follow the guidance provided in the *Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan* (Ecology 2008).

B. Sediment Data Report

Following Ecology approval of the Sediment Sampling and Analysis Plan, the Permittee must collect sediments before beginning operation of the dry dock. The Permittee must submit to Ecology a Sediment Data Report containing the results of the sediment sampling and analysis no later than 180 days after completion of sampling. The Sediment Data Report must conform to the approved Sampling and Analysis Plan.

The Sediment Data Report must also include electronic copies of the sediment chemical and/or biological data formatted according to Ecology's Environmental Information Management (EIM) System templates.

## **S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

The definitions of terms used in this section are provided in the guidance document entitled *Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities* which is published by the Department of Ecology and available on Ecology's website at <http://www.ecy.wa.gov/biblio/0410030.html>.

### **A. Modification of the Stormwater Pollution Prevention Plan**

The Permittee must modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP must be modified, as appropriate, within two months of such determination. The proposed modifications to the SWPPP must be submitted to Ecology at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee must provide for implementation of any modifications to the SWPPP in a timely manner.

### **B. Monitoring**

The Permittee must conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection must be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection must include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
2. Personnel named in the SWPPP must conduct the dry season inspection. The dry season inspection must determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee must immediately notify Ecology.

### **C. Plan Evaluation**

The Permittee must evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record must be maintained summarizing the results of inspections and include a certification, in accordance with Condition S3.I, that the facility is in compliance with the plan and in compliance with this permit. The record must identify any incidents of noncompliance.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

- A. All applications, reports, or information submitted to Ecology must be signed and certified.

- (a) In the case of corporations, by a responsible corporate officer.

For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) In the case of a partnership, by a general partner.

- (c) In the case of sole proprietorship, by the proprietor.

- (d) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

- B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2

above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

- D. Certification. Any person signing a document under this section must make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

## **G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

## **G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.
  4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
  5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
  6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
  2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
  6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
  2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

**G4. REPORTING PLANNED CHANGES**

The Permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: (1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); (2) a significant change in the nature or an increase in quantity of pollutants discharged; or (3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage,

and liability between them.

3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G8. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G9. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G10. DUTY TO PROVIDE INFORMATION**

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

**G11. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G12. ADDITIONAL MONITORING**

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G13. PAYMENT OF FEES**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

**G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof will be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit must incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

**G15. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: (1) an upset occurred and that the Permittee can identify the cause(s) of the upset; (2) the permitted facility was being properly operated at the time of the upset; (3) the Permittee submitted notice of the upset as required in condition S3.E; and (4) the Permittee complied with any remedial measures required under S4.B of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G16. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G17. DUTY TO COMPLY**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G18. TOXIC POLLUTANTS**

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G19. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by

imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment will be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

**G20. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

**G21. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, such facts or information must be submitted promptly.

**G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
  - 1. One hundred micrograms per liter (100 µg/L).
  - 2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
  - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
  - 1. Five hundred micrograms per liter (500µg/L).
  - 2. One milligram per liter (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

**G23. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.